

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	
Inspection of	:	
	:	NO. <u>22-mj-136</u>
KVK Tech, Inc.	:	
located at 110 Terry Drive & 100 Campus Drive	:	
Newtown, PA 18940	:	

ORDER

AND NOW, this 28th day of January, 2022, upon consideration of the United States' motion, and after balancing the public right of access to court documents with ensuring the confidentiality of this workplace inspection, as well as the safety of officers in anticipation of their forthcoming warrant for inspection, it is hereby **ORDERED** that this matter and the filings in this matter, including the Application for Inspection Warrant, the supporting exhibits, the cover letter, and any warrant issued, are filed under seal until further order of this Court. The Clerk of Court is directed to make no public docket entry of this matter or any of the filings or orders in this matter, including the sealing motion and this order to seal. The Clerk shall provide copies of all sealed documents only to the U.S. Attorney's Office, which may provide copies to the U.S. Department of Labor, unless otherwise ordered by the Court.

BY THE COURT:

/s/ Richard A. Lloret
RICHARD A. LLORET
U.S. MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

In re :
Inspection of :
 : NO. 22-mj-136
KVK Tech, Inc. :
located at 110 Terry Drive & 100 Campus Drive :
Newtown, PA 18940 :

UNITED STATES' MOTION TO FILE UNDER SEAL

The United States of America, by and through its attorneys, Jennifer Arbittier Williams, United States Attorney for the Eastern District of Pennsylvania, and Anthony D. Scicchitano, Assistant United States Attorney, moves to file this matter under seal, including all filings, orders, and related docket entries, and in support of its Motion states as follows:

1. The within Application for Inspection Warrant, the action, and all filings are documents which, if made public, would jeopardize the Occupational Safety and Health Administration (OSHA)'s anticipated inspection of this workplace. As outlined in the Application, this employer has in the past denied OSHA's entry into the workplace. If these filings became public before OSHA conducted the proposed inspection, the employer could utilize the advance notice to interfere with this inspection and alter unsafe conditions before OSHA can observe and document them.

2. Although the public has a right of access to judicial proceedings and papers, matters that may jeopardize an ongoing investigation are traditionally conducted *ex parte* and *in camera*, with deference to the United States' determination that investigative matters should be sealed.

3. Accordingly, balancing the public's right of access to judicial documents with the United States' interest in not jeopardizing the proposed workplace inspection, and in order to protect the safety of officers in anticipation of their forthcoming warrant for inspection, the United States respectfully requests that its Motion be GRANTED.¹ The government further requests that the Clerk of Court be directed to make no public docket entry of this case, the sealed documents, and the motion and order to seal, and should only provide copies of all sealed documents to the U.S. Attorney's Office until further ordered.

Respectfully submitted,

JENNIFER ARBITTIER WILLIAMS
United States Attorney

/s/ Anthony D. Scicchitano
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*Attorney for the
United States of America*

January 28, 2022

¹ The United States notes that it anticipates asking the Court to unseal the matter and all documents as soon as the proposed warrant is executed.